

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 10/080,959 filed on February 22, 2002, for METHOD FOR DETECTION OF *Stachybotrys chartarum* IN PURE CULTURE AND FIELD SAMPLES USING QUANTITATIVE POLYMERASE CHAIN REACTION, by the following named inventor(s):

- (a) Full Name Patricia Cruz-Perez
- (b) Full Name Mark P. Buttner
- (c) Full Name \_\_\_\_\_

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.63(d)(2), the Commissioner is requested to add the name(s) of the following person or persons who are inventors being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_



14230 U.S. PTO

22857 U.S. PTO  
10/804339

1. ☒ Enclosed is a copy of the prior Application No. 10/080,959 as originally filed on February 22, 2002, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☒ Applicants claim small entity status. See 37 CFR 1.27.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

| CLAIMS                                                                            |               |            |              |           |                 |
|-----------------------------------------------------------------------------------|---------------|------------|--------------|-----------|-----------------|
|                                                                                   | NO. OF CLAIMS |            | EXTRA CLAIMS | RATE      | FEE             |
| Basic Application Fee                                                             |               |            |              |           | \$ 770.00       |
| Total Claims                                                                      | 20            | MINUS 10 = | 0            | x \$18.00 | 0               |
| Independent Claims                                                                | 3             | MINUS 3 =  | 0            | x \$84.00 | 0               |
| If multiple dependent claims are presented, add \$280.00                          |               |            |              |           | 0               |
| Total Application Fee                                                             |               |            |              |           | \$770.00        |
| If small entity status is claimed, subtract 50% of Total Application Fee          |               |            |              |           | \$385.00        |
| Add Assignment Recording Fee of <u>\$40.00</u> if Assignment document is enclosed |               |            |              |           | 0               |
| <b>TOTAL APPLICATION FEE DUE</b>                                                  |               |            |              |           | <b>\$385.00</b> |

5. ☐ Charge \$ \_\_\_\_\_ to Deposit Account No. \_\_\_\_\_ for the fee due.
6. ☒ A check in the amount of \$ \$385.00 is enclosed for the fee due.
7. ☐ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. \_\_\_\_\_. This paper is submitted in duplicate.
8. ☒ Cancel in this application original claims 1-17 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
9. ☒ Amend the specification by inserting before the first line the sentence: - -This application is a ☒ continuation, ☐ divisional, of Application No. 10/080,959,  
filed  
February 22, 2002. - -

10. ☐ Transfer the drawings from the pending prior application to this application and abandon said prior application as of the filing data accorded this application. A duplicate of this paper is enclosed for filing in the prior application file. (May only be used if signed by person authorized under 37 C.F.R. § 1.138 and before payment of issue fee.)
11. ☐ New drawings are enclosed.
12. ☐ Priority of Application No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ (country) is claimed under 35 U.S.C. § 119.  
☐ The certified copy of the priority application  
☐ is enclosed  
☐ was filed on \_\_\_\_\_ in prior Application No. \_\_\_\_\_, filed on \_\_\_\_\_  
☐ has not yet been filed.
13. ☒ A preliminary amendment is enclosed.
14. ☒ An Information Disclosure Statement (IDS), an IDS transmittal, and an IDS citation (PTO-1449) is enclosed.
15. ☒ Also enclosed 3 page sequence listing, sequence listing in computer readable form (3.5" disk), and Statement under 37 CFR 1.821.
16. ☒ The power of attorney in the prior application is to Tony M. Cole.  
a. ☒ The power appears in the papers in the prior application.  
b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
c. ☐ Recognize as Associate Attorney name.  
d. ☐ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Patricia Cruz, Ph.D.  
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Las Vegas, Nevada 89154-4009

Date: March 19, 2004

By: T. M. Cole  
Tony M. Cole  
Reg. No. 43,417

ADDRESS OF SIGNATOR:

Tony M. Cole  
864 Braddock Road  
Enterprise, Florida 32725

- ☐ inventor(s)  
☐ assignee of complete interest  
☒ attorney or agent of record  
☐ filed under 37 C.F.R. § 1.34(a)